



Docket No. 3123-4006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): EMALFARB, et al.

Group Art Unit: 1639

Serial No.: 09/834,434

Examiner: Teresa D. WESSENDORF

Filed: April 13, 2001

For: HIGH-THROUGHPUT SCREENING OF EXPRESSED DNA LIBRARIES IN
FILAMENTOUS FUNGI

EXPRESS MAIL CERTIFICATE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Express Mail Label No.: EV 094893432 US

Date of Deposit: October 29, 2003

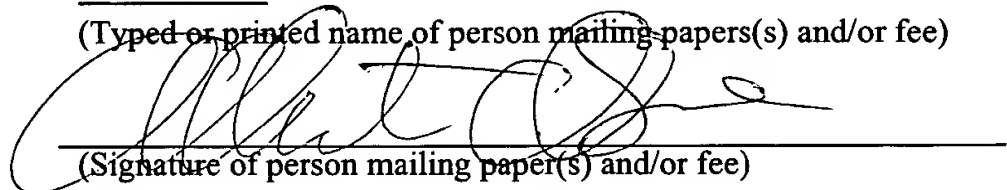
I hereby certify that the following attached paper(s) and/or fee

1. Response to Restriction Requirement
2. Return Receipt Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Albert Isles

(Typed or printed name of person mailing paper(s) and/or fee)



(Signature of person mailing paper(s) and/or fee)

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800 Telephone
(212) 751-6849 Facsimile



10-31-03

Image 1639

Docket No. 3123-4006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): EMALFARB, et al.

Group Art 1639

Serial No.: 09/834,434

Examiner: Teresa D. WESSENDORF

Filed: April 13, 2001

For: HIGH THROUGHPUT SCREENING OF EXPRESSED DNA LIBRARIES IN
FILAMENTOUS FUNGI

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated September 30, 2003. This response is timely filed.

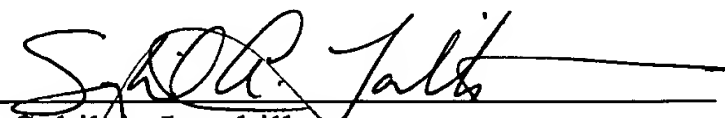
With respect to the requirement for an election of one transferable reproductive element within the species of subgroup E of elected Group II, Applicants hereby provisionally elect Hyphal fragments.

Applicants respectfully repeat their request that groups I, VII and VIII be rejoined with group II, for the reasons provided in the Response filed on July 21, 2003. Should the Examiner make the restriction final, Applicants reserve the right to prosecute the non-elected claims in continuing or divisional applications, and reserve the right to traverse the restriction requirements applied to the non-elected claims.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: October 29, 2003

By:


Sybil A. Lombillo
Registration No. 54,280

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800 Telephone
(212) 751-6849 Facsimile